

Conservation Commission Meeting Minutes
August 14, 2013

Members Present: Louis A. Napoli, Chairman, Deborah A. Feltovic, Sean F. McDonough, Douglas W. Saal.

Members Absent: Joseph W. Lynch, Jr., Vice Chairman, John T. Mabon, Albert P. Manzi, Jr.

Staff Members Present: Jennifer A. Hughes, Conservation Administrator, Donna M. Wedge, Conservation Secretary.

Pledge of Allegiance

Meeting came to Order at: 7:10 PM Quorum Present.

Approval of Minutes of 7/10/13

- A motion to accept the meeting minutes of 7/10/13 as drafted and reviewed is made by Ms. Feltovic, seconded by Mr. Saal.
- Vote unanimous.

Public Meeting: 7:11 PM

NACC# 115, 1160 Great Pond Road (Brooks School) (Landscaping Project)

- The Administrator circulates aerial photos of the site.
- Brian Palm of Brooks School presents the project.
- Mr. Palm states there were several red pine trees and white pine trees that died and several have already been removed when they were blown over. The school would like to stump all of the trees that were removed. The School would be planting 3-5 deciduous trees in this area. Work is approximately 85-feet from resource areas which is characterized as an intermittent stream/drainage ditch with associated BVW.
- Ms. Feltovic asks about the species of trees to be planted.
- Administrator states the Department can email a list of appropriate species if needed.
- Mr. Saal asks if the disease that killed the red pines is spreading.
- Mr. Palm states the school is working with a forester but it does not appear so.
- Mr. McDonough states no work is to be done within 50' and erosion controls should be installed for protection of the resource areas.
- A motion to accept this as a small project 4.4.2.J is made by Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous.
- A motion to accept as proposed with conditions for erosion controls and pre-construction meeting and post construction meeting is made by Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous

Documents:

- *Application Checklist-Small Project*

- *Small Project Procedures*
- *Copy of Check*
- *Letter from Brooks School dated 8/5/13*
- *Photos of Existing Conditions for landscaping small project at Brooks School dated 8/5/13*
- *Google Photo Brooks School dated 8/5/13*
- *Aerial Photo dated 8/5/13*

NACC#116, 268 Rea Street (Lynch) (Installation of a patio)

- The Administrator reviews the proposed project and shows a photo of the project area. The Field Inspector noted on a site visit that there is yard waste in the No-Disturb Zone that should be removed.
- James Lynch, homeowner is available to answer questions about the project.
- Mr. McDonough asks about the size of the patio.
- The applicant responds that 3' x 20' of the patio is in the Buffer Zone.
- Mr. Napoli points out to the applicant that he should probably not encase the deck footings in the concrete should they need to be replaced.
- A motion to accept as a small project 4.4.2. F is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.
- A motion to approve the project as proposed with conditions for brush removal, erosion control and pre and post construction inspection is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Application Checklist-Small Project*
- *Small Project Procedures*
- *Copy of Check*
- *E-Mail letter from James Lynch dated 8/8/13*
- *As-Built Plan of Land dated 6/28/10*

Enforcement Orders

Boardwalk at Osgood Hill Trail Head (Friends of North Andover Trails)

- Administrator reviews the boardwalk proposal completed in 2010 to prevent trail erosion in wetlands. This proposal this will be an extension of that boardwalk. The Administrator notes that there was some minor ditching done to try to reroute the water. This should repair itself with time and will not be done again.
- Tom Powers from Friends of North Andover Trails is available for questions from the board.
- A motion to issue an Enforcement Order to allow for the boardwalk construction to reduce trail erosion and improve access to Osgood Hill is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Letter from Friends of North Andover Trails dated 7/30/13*
- *Letter from Friends of North Andover Trails, overview of work, proposed work, work schedule dated 7/30/13*
- *Photo dated 8/1/13*

Osgood Hill Recreation Area (Burns) (Eagle Scout Project Bog Bridge)

- Ian Burns, Eagle Scout candidate, reviews his proposal to build several bog bridges to improve access on Osgood Hill and reduce trail erosion and widening. He will remove older boardwalks during the process. He presents of a sketch of the boardwalks (8' sections) that he will construct off-site and carry to the approved locations.
- Mr. McDonough asks if he will have help with the construction.
- Mr. Burns states he will need volunteers to assist him.
- Mr. Burns discusses potential funding sources and fundraising that he will do.
- The Administrator states there is a management fund for Greater Osgood Hill that could help with funding.
- Mr. Burns states he will receive a discount from Doyle Lumber.
- Ms. Feltovic asks how he will cut the boards.
- Ian states that some power tools may be needed and he has assistance from his father Gary Burns (who is present).
- A motion to issue an Enforcement Order for the construction of bog bridges to reduce erosion and maintain access to Osgood Hill trails is made by Mr. McDonough, seconded by Ms. Feltovic. Old crossings/wood will be removed where possible.

Documents:

- *Eagle Scout Service Project workbook dated 8/7/13*
- *Trail Map dated 7/9/09*
- *Photos From Eagle Scout packet*
- *Photos dated 8/2/13*

Public Hearings: 7:30 PM

Request for Determination of Applicability

40 Bayfield Drive (Thomas) (Dewsnap Engineering Associates, LLP)

- The applicant Edward Thomson of Comcast, and Paul Dewsnap of Dewsnap Engineering Associates, LLP are present.
- Mr. Saal read the legal notice.
- Mr. Dewsnap reviews the proposal to install conduit for cable from a pole on one side of the street to the upland side of the drive at the office building. Erosion Controls would be installed.
- A motion to issue a negative determination #3 with conditions for installation of erosion controls and pre and post construction inspections is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Application Checklist-Request for Determination of Applicability*

- *WPA Form 1-Request for Determination of Applicability*
- *Waiver Request for structure within 50-foot No-Build zone*
- *Project Description*
- *Signatures and Submittal Requirements*
- *Vegetation Observation dated 6/18/13*
- *Vegetation and Hydrology Conclusion*
- *Delineation Field Data dated 6/18/13*
- *Indicators of Hydrology*
- *Certified Abutter's List dated 7/30/13*
- *Notification Form for Abutter's*
- *Town of North Andover Board of Assessors*
- *Locus Map*
- *North Andover MIMAP*
- *North Andover Wetlands Regulations Riverfront Map dated 6/2/03*
- *Proposed Comcast underground Conduit Plan dated 7/29/13*
- *Photos dated 8/6/13*

Notice of Intent (NOI)

242-1582, 1049 Salem Street (Lot 70) (Jeffco, Inc.) (Merrimack Engineering Services, Inc.) (cont. from 7/24/13) (Request to withdraw)

- A motion to accept the withdrawal request is made by Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous.

Document:

- *Hand written letter requesting to withdraw this filing from Douglas Ahern dated 8/1/13.*

242-1593, 16 Berry Street (North Andover Holdings, LLC) (LEC Environmental Consultants, Inc.) (cont. from 7/24/13) (Request to cont. to 8/28/13)

- A motion to grant the request for a continuance to the August 28, 2013 is made by Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous.

Document:

- *E/Mail from LEC Environmental Consultants, Inc. requesting a continuance to August 28, 2013 dated 8/9/13.*

242-1601, Cotuit Street & Leyden Street (Burke, Esq.) (Pennoni Associates, Inc.)

- Mr. Saal read the legal notice.
- The Administrator reviews that in 2002 the NACC permitted construction on 4 lots. Only 2 were built. A COC is on the agenda for later in the meeting. The current proposal is to develop the 2 unbuilt lots. The delineation could not be reviewed because the vegetation had grown up and flags could not be found.
- Benjamin Osgood of Pennoni Engineering reviews the proposal. He states that the stone walls on the two remaining lots are already built. He reviews some of the items that need

to be added to the plans for the COC requests. Mr. Osgood states the prior order had three extensions and extension requests were maxed out.

- Mr. McDonough states the wetland reflagging would have been done.
- Mr. Osgood states this will be done.
- The Administrator states that the prior wetland line was reviewed by Seekamp Environmental.
- Ms. Feltovic asks that all appurtenances like deck stairs, pads for air conditioning components, etc. be added to the plans.
- Mr. Napoli states that he would like Eggleston Environmental to review the as-built drainage for the COC request.
- A motion to set up an escrow account to review the as-built stormwater management system in the amount of \$500.00 is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.
- A motion to grant the request for a continuance to August 28, 2013 is made by Mr. McDonough, seconded by Ms. Feltovic to allow for review, plan updates and the wetland flagging.
- Vote unanimous.

Documents:

- *Application Checklist-Notice of Intent*
- *WPA Form 3-Notice of Intent*
- *Project Description*
- *Resource Area Protection*
- *Construction Sequence*
- *USGS Quadrangle Map*
- *Natural Heritage Map*
- *Affidavit of Service*
- *Notification of Abutter's Form*
- *Certified Abutter's List dated 5/29/13*
- *Wetland Fee Transmittal Form*
- *Copy of checks*
- *Locus Map*
- *Site Plans dated 7/31/13*
- *Photos dated 8/6/13*

General Business: 8:00 PM

242-1428, Modification Request, Lot 4N-A Turnpike Street (One Hundred Fourteen Trust) (Patrick C. Garner of Garner Company, Inc.) (cont. from 7/28/13) (Request to cont. to 8/28/13)

- A motion to grant the request for a continuance to August 28, 2013 meeting is made by Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous.

Document:

- *E/Mail from Patrick C. Garner of Garner Company, Inc. requesting a continuance to 8/28/13 dated 8/14/13.*

242- 1398, COC Request, 575 Osgood Street (Edgewood Retirement Community, Inc.) (cont. from 7/24/13) (Request to cont. to 8/24/13)

- A motion to grant the request for a continuance to the August 24, 2013 meeting is made by Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous.

Document:

- *E/Mail from David Mermelstein of Trident Project Advisors and Development Group requesting continuance to August 28, 2013 meeting dated 8/14/13.*

242-1296, Modification Request, Molly Towne Road (Autumn Chase) (North Andover Realty Corp.) (Christiansen & Sergi, Inc.)

- The Administrator the changes that will result from the applicant's proposal to eliminate a lot and change the remaining lot lines.
- Phil Christiansen, project engineer, reviews the conditions in the Order of Conditions that will change to reflect the new lot numbers.
- A motion to issue the modification for eliminating a lot, changing lot lines and altering the lot numbers referenced in the Order of Conditions is made by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Letter from Christiansen & Sergi, Inc. dated 8/7/13*
- *Site Plan dated 8/6/13*

242-1261, COC Request, Cotuit & Leyden Streets (Burke, Esq.) (Pennoni Associates, Inc.) (Request to cont. to 8/28/13)

- This matter was discussed with the new NOI filing and a motion was made to continue the matter to the August 28, 2013 meeting by Mr. McDonough, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Verbal request from Benjamin C. Osgood, P.E. of Pennoni Associates, Inc. requesting a continuance to August 28, 2013*
- *Photos dated 8/6/13*

242-1561, COC Request, 109 Nutmeg Lane (Gorman) (Marchionda & Associates, L. P.)

- Paul Marchionda of Marchionda & Associates, L. P. reviews the request for a Certificate of Compliance. Discrepancies between the proposed plan and the as-built plan are highlighted.
- The Conservation Commission had a discussion about fence that is partially in the 50-foot No-Disturbance Zone. The Commission also discusses the chain used to partition off the mitigation area.
- The owner, Mr. Gorman states that the chain was never discussed in the field during site visits and that the Order did not specify the type of fence.

- Mr. McDonough that he does not consider the chain a fence. He states that although he is never in favor of granting waivers, he can consider allowing the small portion of the fence in the 50' No-Disturb Zone but a more significant barrier must be added to the mitigation area. Mr. McDonough reviews the reasons the 50' must be protected.
- Mr. Napoli states continuing the white picket fence would be acceptable. He would like to see something that will not allow snow to be pushed into the area.
- Mr. Gorman is concerned the fence will be knocked over by the snow.
- Mr. Napoli states the fence should start at the cabana and continue to the existing picket fence.
- The applicant requests a continuance to determine the type of fence and install.
- Mr. Napoli states when that is complete the applicant will not need to attend a subsequent meeting.
- A motion to grant the request for a continuance to the August 28, 2013 meeting is made by Mr. McDonough, seconded Ms. Feltovic.
- Vote unanimous.

Documents:

- *Letter from Marchionda Associates, L. P. dated 8/9/13*
- *As-Built Plan dated 7/12/13*
- *Photos dated 8/13/13*

242-784, PCOC Request, 50 Nutmeg Lane (Bylaw Only) (Lot 6) (Law office of Michael E. Lombard, LLC)

- A motion to issue the PCOC for 50 Nutmeg Lane (Lot 6) Local Bylaw only is made by Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *WPA Form 8A-Request for Partial Certificate of Compliance*
- *AS-Built Plan*

242-443, PCOC Request, 50 Nutmeg Lane (Bylaw Only) (Lot 6) (Law office of Michael E. Lombard, LLC)

- A motion to issue the PCOC for 50 Nutmeg Lane (Lot6) Local Bylaw only is made by Ms. Feltovic, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *WPA form 8A Request for Partial Certificate of Compliance*
- *As-Built Plan*

A motion to adjourn the meeting at: 8:30 PM is made by Ms. Feltovic, seconded by Mr. McDonough.

Vote unanimous.